

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC MICHAEL JAKLITSCH,

Defendant.

No. 2:22-cr-15 WBS

ORDER

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC MICHAEL JAKLITSCH,

Defendant.

No. 2:22-cr-239 WBS

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On May 22, 2023, defendant was sentenced to a total term of 81 months' imprisonment in Case No. 2:22-cr-15 WBS and Case No. 2:22-cr-239 WBS. Defendant, through retained counsel, has filed identical motions to reduce his sentence under 18

1 U.S.C. § 3582(c)(2) and Amendment 821 in both cases. (Docket No.
2 63 in Case No. 2:22-cr-15 WBS; Docket No. 27 in Case No. 2:22-cr-
3 239 WBS.)

4 The government agrees that defendant is technically
5 eligible for a retroactive application of the zero-point
6 provision, although the court notes that defendant appears to be
7 technically eligible for the reduction only because his case
8 involving a separate fraudulent scheme in the District of New
9 Jersey was transferred to this district and he was subsequently
10 sentenced in both cases on the same day. Nevertheless, the
11 government argues that the court should decline to exercise its
12 discretion to reduce defendant's sentence. (Docket No. 63 in
13 Case No. 2:22-cr-15 WBS; Docket No. 27 in Case No. 2:22-cr-239
14 WBS.)

15 For the reasons set forth at pages 5-7 of the
16 government's opposition to the motions, the court declines to
17 exercise its discretion to reduce defendant's sentence at this
18 time. As an initial matter, the court notes that it has been
19 only a little over a year since defendant was sentenced, and thus
20 defendant's history of no violations while incarcerated only
21 slightly weighs in favor of a reduction. Defendant also points
22 to the mitigating factors discussed at sentencing, such as his
23 acceptance of responsibility by pleading guilty, lack of prior
24 criminal history, drug use which helped cause his criminal
25 conduct, and work with youth as a basketball coach. However,
26 the court took all of these factors in account at sentencing, and
27 they do not warrant a reduction in sentence now.

28 Most importantly, defendant was involved in two

1 separate fraud schemes which resulted in \$3.4 million in losses
2 to the California Employment Development Department and \$777,000
3 in losses to the United States Small Business Administration and
4 the identity theft of over 180 victims. Defendant has never
5 cooperated with law enforcement to identify his co-conspirators
6 or locate any of the stolen funds. Defendant has also not paid
7 any of the restitution he owes. Given the seriousness of these
8 crimes and all the relevant factors, the court finds a reduction
9 in sentence is not appropriate.

10 IT IS THEREFORE ORDERED that defendant's motions
11 (Docket No. 63 in Case No. 2:22-cr-15 WBS; Docket No. 27 in Case
12 No. 2:22-cr-239 WBS) be, and the same hereby are, DENIED.

13 Dated: June 17, 2024



14 **WILLIAM B. SHUBB**
15 **UNITED STATES DISTRICT JUDGE**
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